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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,269	09/24/2003	Scott A. Van Gundy	23215-07991	6540
758 7590 05/14/2007 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER SING, SIMON P	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/671,269

Applicant(s)

VAN GUNDY, SCOTT A.

Examiner

Sirnon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer et al US Patent No. 5,995,596.

1.1 Regarding claim 5, Shaffer discloses a method for distributing voicemail messages, comprising the steps of:

determining, at first server (local voicemail server), whether a second server (designated central voicemail server) is available;

responsive to determining that the second server is available;

retrieving a voicemail message from the first server; and

sending the voicemail message to the second server (column 5, lines 51-63; column 8, lines 50-67; column 9, lines 1-11; figure 6).

1.2 Regarding claim 6, Shaffer teaches determining the site of each voicemail system (column 4, lines 30-33).

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1.3 Regarding claim 7, Shaffer teaches sending the voicemail message to the second server for storing as stated above.

2. Claims 5-15 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Donovan et al US Patent No. 6,396,908.

2.1 Regarding claim 5, O'Donovan discloses a method for distributing voicemail messages, comprising the steps of:

determining, at first server (local voicemail system 76A), whether a second server (remote voicemail system 76B) is available figure 7, step 84; column 8, lines 33-49);

responsive to determining that the second server is available (column 8, lines 33-46);

retrieving a voicemail message from the first server; and

sending the voicemail message to the second server (column 9, lines 23-28).

2.2 Regarding claim 6, O'Donovan teaches that if the second server is not available, handling the call normally (column 8, lines 47-49).

2.3 Regarding claim 7, O'Donovan teaches storing the voicemail message in the second server, if the second server is available (column 9, lines 38-40).

2.4 Regarding claim 8, O'Donovan discloses a local voicemail system 78A in figure 6 (column 7, line 51 to column 8, line 17), comprising:

a call status module to determine whether a call should be transferred to voicemail (voicemail system 76A) (column 8, lines 9-17);

a call transfer module to determine a call's voicemail extension and a server (76B) on which the voicemail extension resides, wherein the server 76B is one of a plurality of servers wherein the voicemail extension reside (column 7, line 51 to column 8, line 9); and

a voicemail migration module configured to send a voice mail message from voicemail 76A to remote voicemail 76B (column 9, lines 23-28, 38-40).

2.5 Regarding claim 9, O'Donovan teaches determining a remote voicemail server (column 7, line 51 to column 8, line 9).

2.6 Regarding claim 10, O'Donovan teaches a storage device to store a called party's greeting (column 8, lines 9-14).

2.7 Regarding claim 11, O'Donovan teaches converting audio signal to digital data for storage (column 8, lines 14-17).

2.8 Regarding claim 12, a voice messaging system inherently has a telephony interface for a subscriber (user) to retrieve his/her voice messages.

2.9 Regarding claim 13, O'Donovan teaches a directory of voice messaging systems (figure 9; column 8, lines 18-26).

2.10 Regarding claim 14, O'Donovan teaches a directory (figure 9; column 8, lines 18-26).

1.11 Regarding claim 15, O'Donovan discloses system for receiving, storing, and distributing voicemail messages in figure 6 (column 7, line 51 to column 8, line 33), comprising:

- a first apparatus 78A for receiving, storing, and distributing voicemail messages, comprising:

- a first call status module to determine whether a call should be transferred to voicemail (voicemail system 76A) (column 8, lines 9-17);

- a first call transfer module to determine a call's voicemail extension and a first server (76B) on which the voicemail extension resides, wherein the server 76B is one of a plurality of servers wherein the voicemail extension reside (column 7, line 51 to column 8, line 9); and

- a voicemail migration module configured to send a voice mail message from voicemail 76A to remote voicemail 76B (column 9, lines 23-28, 38-40); and

a identical second apparatus 78B coupled to the first apparatus 78B for receiving, storing, and distributing voicemail messages.

***Allowable Subject Matter***

3. Claims 1-4 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: O'Donovan teaches storing a voicemail message from a caller in a local voice messaging system if a called party is busy or not available, and if the called party's remote voice messaging system is connected to the same network. O'Donovan teaches storing the voicemail message in the local voice messaging system regardless of the availability of the remote voice messaging system. Since O'Donovan teaches storing a voicemail message in a local voice messaging system, and sending the stored voicemail message to the remote system via a data network to reduce communications traffic over a telephone network, there is no need to determine whether the remote system is available.

***Response to Arguments***

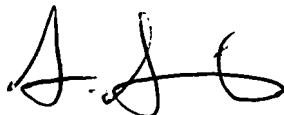
5. Applicant's arguments with respect to claims 5-15 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- a) US Patent No. 5,687,220 (Finnigan).
- b) US Patent No. 5,909,483 (Weare et al).
- c) US Patent No. 6,069,890 (White et al).
- d) US Patent No. 5,572,578 (Lin et al).

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

05/03/2007



FAN TSANG  
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TECHNOLOGY CENTER 2600